

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1120
92ND GENERAL ASSEMBLY

Reported from the Committee on Children and Families January 3, 2004, with recommendation that the bill Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2536L.02C

AN ACT

To amend chapter 192, RSMo, by adding thereto three new sections relating to educational information on shaken baby syndrome.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto three new sections, to be known as sections 192.625, 192.626 and 1, to read as follows:

192.625. 1. Sections 192.625 and 192.626 shall be known and may be cited as the "Shaken Baby Syndrome Education Act of 2004".

2. As used in sections 192.625 and 192.626, the following terms mean:

(1) "Birth center", a facility not part of a hospital which provides maternity care to childbearing families not requiring hospitalization. A birth center provides a homelike atmosphere for maternity care, including prenatal, labor, delivery, and postpartum care related to medically complicated pregnancies;

(2) "Commitment statement", a form which may be voluntarily signed by a parent or parents acknowledging that the parent or parents have received, read, and have an understanding of the educational and instructional materials provided on shaken baby syndrome;

(3) "Department", the Missouri department of health and senior services;

(4) "Director", the director of the Missouri department of health and senior services;

(5) "Hospital", the same meaning as such term is defined in section 197.020, RSMo;

(6) "Infant", a child thirty days of age to twenty-four months of age;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in **bold-face** type in the above law is proposed language.

- 17 (7) "Newborn", a child up to and including twenty-nine days of age;
18 (8) "Parent", a natural parent, stepparent, adoptive parent, legal guardian, or legal
19 custodian of an infant, newborn, or child;
20 (9) "Program", the shaken baby syndrome education and prevention program;
21 (10) "Shaken baby syndrome", the vigorous shaking of a newborn, infant, or young
22 child that may result in bleeding inside the head and may cause one or more of the
23 following conditions:
24 (a) Irreversible brain damage;
25 (b) Blindness, retinal hemorrhage, or eye damage;
26 (c) Cerebral palsy;
27 (d) Hearing loss;
28 (e) Spinal cord injury, including paralysis;
29 (f) Seizures;
30 (g) Learning disabilities;
31 (h) Death;
32 (i) Central nervous system injury as evidenced by central nervous system
33 hemorrhaging;
34 (j) Closed head injury;
35 (k) Rib fracture; or
36 (l) Subdural hematoma.

192.626. 1. The department of health and senior services shall establish a program
2 to focus on awareness, education, and prevention of shaken baby syndrome. The
3 department shall design and implement strategies for raising public awareness concerning
4 the causes and nature of shaken baby syndrome, including but not limited to:

- 5 (1) Factors placing parents, guardians, and other caregivers at risk for shaking a
6 newborn or infant;
7 (2) The risks associated with shaking a newborn or infant;
8 (3) Suggestions for preventing shaken baby syndrome.

9 2. The program established in this section shall include the distribution of readily
10 understandable information and educational and instructional materials regarding shaken
11 baby syndrome, explaining its medical effects on newborns, infants, and young children
12 and emphasizing preventive measures.

13 3. The department shall:

- 14 (1) Work to improve the capacity of community-based services available to victims
15 of shaken baby syndrome;
16 (2) Work with other state and local governmental agencies, community and business

17 **leaders, community organizations, health care and human services providers, and national**
18 **organizations to coordinate efforts and maximize state and private resources in the areas**
19 **of prevention of and education about shaken baby syndrome;**

20 **(3) Identify and, when appropriate, replicate or use successful shaken baby**
21 **syndrome programs and procure related materials and services from organizations with**
22 **appropriate experience and knowledge of shaken baby syndrome.**

23 **4. The department may promulgate rules to implement the provisions of this section.**
24 **No rule or portion of a rule promulgated under the authority of this section shall become**
25 **effective unless it has been promulgated pursuant to chapter 536, RSMo.**

Section 1. Every hospital and birth center and any health care facility licensed in
2 **this state that provides obstetrical services shall require all new mothers to view a video on**
3 **the dangers of shaking a baby and shaken baby syndrome before their discharge from the**
4 **facility. Such video shall be approved by the department of health and senior services and**
5 **shall not exceed ten minutes in length.**